

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 WILLIAM LEE BROOKS, II,  
12 Plaintiff,  
13 v.  
14 DANIEL CASSIE,  
15 Defendants.

Case No. 2:23-cv-00294-KJM-JDP (PC)

ORDER

17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief  
18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided  
19 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On May 21, 2024, the magistrate judge filed findings and recommendations, which were  
21 served on all parties and which contained notice to all parties that any objections to the findings  
22 and recommendations were to be filed within fourteen days. Neither party has filed objections to  
23 the findings and recommendations.

24 The court presumes that any findings of fact are correct. *See Orand v. United States*,  
25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed  
26 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law  
27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
28 //

1 . . . ."). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed May 21, 2024, are adopted in full;  
5 2. Plaintiff's motion to strike, ECF No. 25, is granted as to defendant's Second, Third,  
6 Fourth, Fifth, Sixth, and Seventh Affirmative Defenses, which are stricken with leave to amend  
7 and is denied as to defendant's First and Eighth Affirmative Defenses;  
8 3. Defendant is granted twenty-one days from the date of this order to amend his answer;  
9 and  
10 4. This matter is referred back to the assigned magistrate judge for further pre-trial  
11 matters.

12 DATED: October 3, 2024.

13  
14   
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28